

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22209 of 2004

Between:

Yella Goud, S/o. Dana Goud,
R/o. Jankampet (V), Yedpally (M), Nizamabad District.

... PETITIONER

AND

1 The Revenue Divisional Officer (RDO) Nizamabad, Nizamabad

District.

2 The Mandal Revenue Officer, Nizamabad Mandal, Nizamabad

District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Order or orders more particularly one in the nature of the Writ of Mandamus declaring the in action of the Respondents in considering the Replay/Representation dt. 29-06-2004, against the Show Cause Notice No.A5/4691/2004 dt. 29-06-2004 issued by the 2nd Respondent, as per law and factual position, is illegal, arbitrary and contrary to the provisions of Constitution of India and further direct the 2nd Respondent to consider the Representation/Reply dt. 29-6-2004 as per law.

Counsel for the Petitioner: MR.T.V.V. KOTESWARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Revenue, and with their consent, the writ petition itself is being disposed of finally at the stage of admission.

2. As against the impugned show cause notice dated 29-06-2004 issued by the 2nd respondent to the petitioner for cancellation of D-form Patta, the learned counsel for the petitioner submits that the petitioner has submitted his representation to the 2nd respondent on 29-06-2004, but so far no orders have been passed thereon and that respondents are trying to evict the petitioners from the schedule land. He, therefore, seeks appropriate directions.

3. The writ petition against a show cause notice is not maintainable. However, having regard to the fact that the petitioner has submitted his representation/explanation to the show cause notice as against the impugned show cause notice, I deem it appropriate to dispose of the writ petition with the following directions.

4. The 2nd respondent is directed to consider and dispose of the representation/explanation submitted by the petitioner on 29-06-2004 to the show cause notice dated 29-06-2004, expeditiously. If, already, orders are passed on the explanation offered by the petitioner, respondents are not precluded in proceeding further, in the matter.

5. It is made clear that till the disposal of the petitioner's representation, *status quo* as obtaining today shall be maintained. If the order that may be passed by respondents goes against the petitioner, he is at liberty to assail the same in appropriate proceedings.

Accordingly, the writ petition is disposed of at the stage of admission.

N. V. RAMANA, J

December 2, 2004

MRR/AVS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The Revenue Divisional Officer (RDO) Nizamabad,

Nizamabad District.

2 The Mandal Revenue Officer, Nizamabad Mandal,

Nizamabad District.

3 Two C.C. s to the G.P. for Revenue, High Court

Buildings, Hyderabad (OUT)

4 Two C.D. Copies.

